

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48695 of 2024

Arising Out of PS. Case No.-319 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Guddu Kumar S/o Ramesh Rai Resident of Village Moresandi, P.S. - Motipur,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Singh, Adv
For the Informant	:	Mr. Rajeev Ranjan, Adv
	:	Mr. Bhubneshwar Mahto, Adv
For the Opposite Party/s	:	Mr. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 11-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioners is apprehending his arrest in a case in connection with Motipur P.S. Case No. 319 of 2022 dated 02.09.2022 registered for the offence/s punishable u/ss 341, 323, 324, 307, 302, 504 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons holding iron rod, spade came to the door of the informant and started abusing. On being objected, all the accused persons assaulted the informant's father with spade and iron rod with intent to kill causing injury. The informant's father



was taken to the hospital and during the course of treatment, his father died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that there is land dispute between the parties. Nothing has been recovered from the possession of the petitioner. Similar situated co-accused person has already been granted regular bail by this Court vide order dated 25.07.2023 passed in Cr. Misc. No. 43759 of 2023. The petitioner has got clean antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner by submitting that as per the post mortem report, the cause of death is due to head injury and the petitioner is actively involved in the said occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from



the date of this order and the Court below shall consider the prayer of the bail of the petitioner on the same day without being prejudice by this order.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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